

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOMMY BROWN,

Plaintiff,

Civil Action No. 12-CV-15108

vs.

HON. BERNARD A. FRIEDMAN

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND REMANDING THE CASE FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

This matter is presently before the Court on the parties' cross motions for summary judgment [docket entries 8, 14]. Magistrate Judge Charles E. Binder has submitted a Report and Recommendation ("R&R") in which he recommends that plaintiff's motion be granted, defendant's motion be denied, and the matter be remanded for further administrative proceedings. Neither party has objected to the R&R and the time for them to do so has expired. The Court has reviewed the record and agrees with the magistrate judge's analysis and recommendation. Accordingly,

IT IS ORDERED that Magistrate Judge Binder's Report and Recommendation is hereby accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is granted.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is

denied.

IT IS FURTHER ORDERED that this matter is remanded for further administrative proceedings for the purposes recommended by Magistrate Judge Binder: namely, to fully and fairly develop the record regarding plaintiff's mental impairments and to conduct another ALJ hearing at which plaintiff must be represented by counsel and all records relating to plaintiff's mental impairments, and their effect on plaintiff's ability to work, are considered in assessing plaintiff's entitlement, if any, to disability insurance benefits. Remand is ordered pursuant to sentence four of 42 U.S.C. § 405(g).

S/ Bernard A. Friedman_____
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: October 28, 2013
Detroit, Michigan